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8 Attorneys for Plaintiffs
 9 21X CAPITAL LTD. and DAVID A.
 10 BREWER



11 6/4/2004

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN JOSE DIVISION

15 21X CAPITAL LTD.; DAVID A.
 16 BREWER,

17 Plaintiffs,

18 vs.

19 ROBERT WERRA; JOHN WERRA; 20/20
 20 TECHNOLOGIES, INC. and DOES 1-50,
 21 inclusive,

22 Defendants.

23 Case No. C06-04135 JW (HRL)

24 **STIPULATION REGARDING CASE
 25 MANAGEMENT CONFERENCE**

26 Date: June 11, 2007
 27 Time: 10:00 a.m.
 28 Dept. 8

29 Plaintiffs 21X Capital Ltd. and David A. Brewer, and defendants Robert Werra
 30 and John Werra (collectively, "the Parties"), by and through their attorneys of record, file this
 31 stipulation in connection with a June 11, 2007 case management conference. Plaintiffs'
 32 counsel calendared this date with the Court's clerk, who suggested that a brief stipulation be
 33 filed.

34 This is an alter ego action in which plaintiffs allege that defendants John and
 35 Robert Werra are the alter egos of RJW Acquisitions, L.C. ("RJW"). (Plaintiffs are in the
 36 process of dismissing defendant 20/20 Technologies, Inc. and will do so once certain
 37 conditions are met.) A state court judgment of approximately \$1.5 million (exclusive of
 38 attorney's fees and costs) was rendered against RJW, and RJW then filed for bankruptcy in

1 the United States Bankruptcy Court for the Eastern District of Texas (Sherman Division)
2 (case no. 06-40238). In light of those bankruptcy proceedings the Parties had earlier
3 stipulated to stays of this action. Specifically, by stipulation and orders entered on July 25,
4 2006, November 16, 2006 and February 12, 2007, this Court had approved the Parties'
5 requested stays and had vacated all the dates set forth in the July 3, 2006 "order setting initial
6 case management conference and ADR deadlines". The Court also took defendants' pending
7 motion to dismiss or transfer venue off calendar and the matter had been stayed before an
8 opposition to such motion had been filed (and, thus, before there had been a reply, a hearing
9 or a ruling on such motion).

10 The RJW bankruptcy matter is now winding up and the Parties agree that it is
11 now appropriate for this case to move forward again.

12 The Parties respectfully submit that the first order of business at the case
13 management conference should be the re-setting of the pending motion to dismiss.
14 Defendants have retained Keker & Van Nest as new counsel. As almost a year has passed
15 since Defendants filed their motion to dismiss or transfer, new counsel would like an
16 opportunity to review all circumstances that may bear on the motion and, if appropriate, file a
17 fresh set of papers in support of it, updating the grounds for the motion as warranted.
18 Plaintiffs believe that new counsel inherits the case as is and that a substitution should not
19 necessarily justify re-doing what has gone before. Regardless of whether a new motion is
20 filed or the extant motion opposed, the Parties would like to discuss various issues regarding
21 the possible hearing dates.

22 Furthermore, unless this is deferred to the hearing date on the motion to
23 dismiss (or some other date), the Parties also believe that it may be timely to calendar and
24 discuss matters relating to initial disclosures, further case management conferences and

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1 further dates relating to case management and trial.

2 **IT IS SO STIPULATED.**

3 For Plaintiffs:

4 Dated: May 31, 2007

ROGERS JOSEPH O'DONNELL

5 By: /s/ THOMAS H. CARLSON

6 Attorneys for Plaintiffs 21X CAPITAL LTD. and
DAVID A. BREWER

8 For Defendants:

9 Dated: May 31, 2007

KEKER & VAN NEST

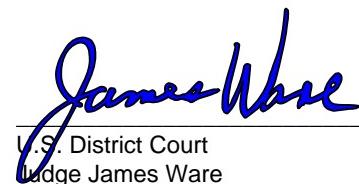
10 By: /s/ JON STREETER

11 Attorneys for Defendants ROBERT WERRA and
JOHN WERRA

13 IT IS SO ORDERED:

14 The Case Management Conference is continued to 6/18/2007 at 10:00 AM. A Joint Case Management
15 Statement shall be due by 6/8/2007.

16 Date: 6/4/2007



17 U.S. District Court
18 Judge James Ware

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